

APPLICATION DENIED**SO ORDERED****VERNON S. BRODERICK****U.S.D.J.** 9/27/2023**MANN PLLC**way, Suite 701
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The basis for Plaintiff's fee motion was pre-appeal activities and Plaintiff's moving papers specifically indicated that its fee request might be expected to change based on the disposition of the appeal and any subsequent post-appellate proceedings. (*See, e.g.*, Doc. 236 at 2.) The motion was also predicated in part on a possible appellate review of my determination regarding fees paid prior to, and as part of Plaintiff's motion for summary judgment. (Doc. 230 at 5.) Given that the appeal has since been resolved, additional post-appellate practice has occurred, and certain parties have been dismissed from the action pursuant to a settlement, the basis for a grant of attorneys' fees have shifted so as to moot the initial basis for the motion. Accordingly, my denial is without prejudice to make a renewed request for fees in light of the changed circumstances if the case.

Re: EMA Financial, LLC v. Joey New York, Inc., et al.

Docket No.: 17-cv-09706-VSB

Dear Judge Broderick:

I represent EMA Financial, LLC ("EMA"), the plaintiff in this matter. I respectfully request reconsideration of one aspect of the Court's Order dated September 26, 2023. (ECF No. 270).

The Court's September 26, 2023 Order denied as moot (seemingly in its entirety) the motion for attorneys' fees. (ECF No. 228). However, the motion for attorneys' fees is only moot as to Joey Chancis and Richard Roer, against whom the Judgment was vacated. It is not moot as to the remaining defendants, which include the various entity defendants and Richard Chancis, against whom the Judgment remains. None of the remaining defendants has opposed the motion for attorney's fees.

We thank the Court for its consideration.

Respectfully Submitted,

By: /s/ Jeffrey FleischmannPlaintiff's initial fee
motion